

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

REALTY MORTGAGE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV76TSL-JCS

FEDERAL INSURANCE COMPANY

DEFENDANT

REPORT AND RECOMMENDATION

Based on plaintiff's representation that the delay in complying with the court's order requiring it to retain counsel was caused by its having to seek the bankruptcy court's approval to employ counsel to represent it in these proceedings and the fact that the record demonstrates that the bankruptcy court has approved counsel and that counsel has now entered an appearance, the undersigned recommends that defendant's motion to dismiss based on plaintiff's failure to obtain counsel within the time prescribed by the court's May 8, 2009 order be denied.

The undersigned further recommends that plaintiff's motion for an extension of time in which to employ special counsel be denied as moot.

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within ten (10) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636, Douglass v. United Services Automobile Association, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 23rd day of July, 2009.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE